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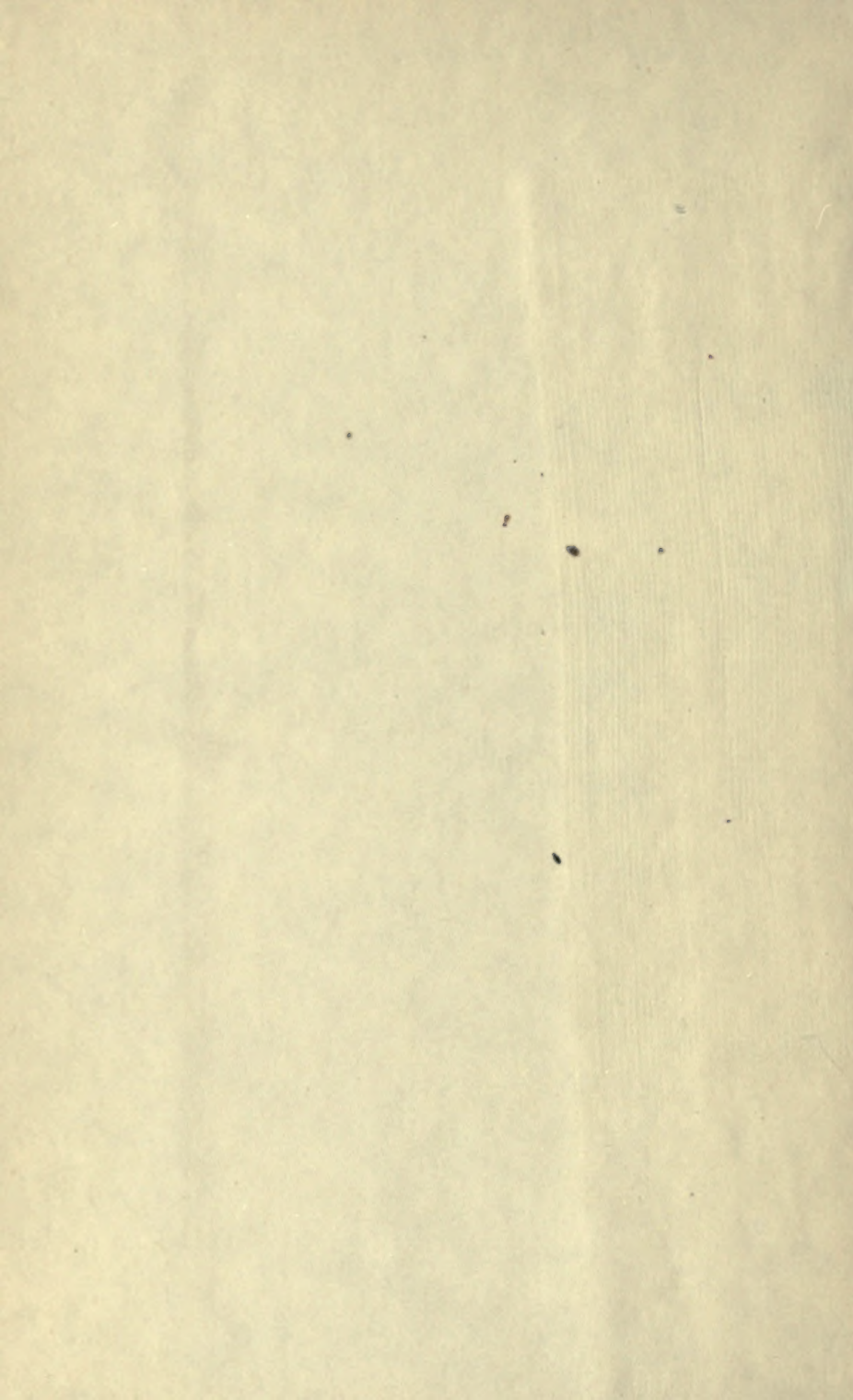



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**PROPOSALS FOR THE PREVENTION
OF FUTURE WARS**

NOTE

Criticism and comments
on these proposals may be
addressed to—

THE EDITOR,

Proposals for the Prevention of
Future Wars,

Room 195,

1, Central Buildings,

Westminster,

London, S.W.

PROPOSALS FOR THE PREVENTION OF FUTURE WARS

BY
VISCOUNT BRYCE AND OTHERS



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PREFATORY NOTE

THE frightful catastrophe of the present war, involving more than half the human race, and bringing grave evils on neutral nations also, has driven thoughtful men to reflect on the possibility of finding means by which the risk of future wars may be dispelled, or at least largely reduced. The only effective and permanent remedy would be to convince the several peoples of the world that they have far more to lose than to gain from strife, and to replace by a sentiment of mutual international goodwill the violent national antagonisms that now exist. But this, we may well fear, would be a slow process. Meantime that which may be done, and which it seems possible to do at once, is to provide machinery by and through which the volume of international public opinion which favours peace may be enabled to express itself, and bring its power to bear upon any nation in which there may, from time to time, exist a spirit of aggression, or a readiness to embark on war in pursuit of selfish interests or at the bidding of national pride.

The nature of the machinery required is indicated by some facts which this war has brought out in strong relief. These are :—

1. The increased risks to peace that arise from the increased speed with which communications between governments meditating war are exchanged, and with which momentous decisions are taken.

2. The difficulty neutral nations find in ascertaining the merits of a dispute which has led to war, and thus in judging between the disputants and throwing to one or other side the weight of their opinion.

3. The gigantic scale on which war is now waged, compelling governments, in order to secure themselves from sudden onslaught, to maintain naval and military armaments incomparably larger than ever before, and thereby laying intolerable burdens on the peoples.

The machinery needed to meet these conditions would seem to be :—

(a) The prescribing of a certain period of time within which steps could be taken to settle a dispute amicably before a resort to arms.

(b) Means for ascertaining the facts and clearing up the issues in dispute, so as to facilitate the forming of an impartial opinion upon the merits.

(c) Arrangements between pacifically minded nations for mutual protection against sudden attack by a State which refuses to allow time for investigating and trying to secure an amicable adjustment of its claims.

It may reasonably be hoped that if some scheme calculated to attain these objects were adopted by a considerable number of States, the opinion of neutral nations, being better instructed and having a vehicle for its expression, would become a more effective force than it has been hitherto in the way of deterring aggressive governments from war. The feeling, powerful in the great majority of men in nearly every nation, that peace is for them and for all mankind one of the highest interests, has done little to avert war because it has possessed no organ through

which it could grow into a corporate consciousness or give effect to its corporate judgment.

A group of men in England who have long been seeking for some method by which this aim might be attained have tried to draft a scheme embodying, in outline, such a method. It is briefly set forth in the document which follows, and is explained in the Introduction prefixed thereto.

Those who have drafted the scheme are aware that it deals with only one branch of a very large subject, and they are duly sensible of the obstacles to be overcome before even these limited and tentative proposals could be likely to find acceptance with those who direct the policy of States. But there are some advantages in submitting and bespeaking attention for one particular plan, especially as the practical measures it points to would be the extension and development of an institution (the Hague Tribunal) which has so far worked for good.

Every one seems to feel the approach of a supremely important moment. The reason and the conscience of mankind have been roused, as never before, to a sense of the moral as well as the material evil wrought by war, for no conflict has ever inflicted such widespread suffering, none has so gravely affected neutral nations, and none has ever brought death and misery to so many innocent non-combatants. If the opportunity which the close of the present conflict will offer for the provision of means to avert future wars be lost, another such opportunity may never reappear. If things are not then made better, the prospect for mankind will be darker than ever, and the condition of the world will have grown worse, because the recurrence of like calamities will have been recognized as a thing to be expected, and their causes as beyond all human cure.

BRYCE.

February 1915.

PS.—Since the Draft Scheme which follows was first prepared, an Association called The League to Enforce Peace has been formed in the United States, which has received the support of many eminent and influential statesmen there, and has promulgated a scheme almost the same as that here submitted. The idea embodied in its proposals has been warmly approved by President Wilson and by Mr. Charles E. Hughes, speaking as the candidate of the Republican Party at the recent Presidential Election. The recent establishment in Russia of a free popular government, which renounces the old autocratic traditions of militarism and conquest, raises confident hopes for the accession to any scheme for the preservation of Peace of all the greater as well as most, or all, of the smaller free nations of Europe, and for a disposition amongst all these to discharge loyally the obligations which such a scheme would create. These are events of great moment, for nothing could do so much to bring a scheme of this nature within the sphere of practical politics as the adhesion to it, not only of the free peoples of Europe, but also of the greatest among the nations of the Western world, should that adhesion be given by the United States when the time comes, after the close of this war, to consider the means for securing (so far as possible) the future peace of the world. Though practical steps cannot be taken till the war ends, the entrance of the United States into the conflict makes it doubly desirable, not only that the action of the American League should be warmly welcomed in this country, but also that both their scheme (which is appended hereto) and other schemes (such as that here submitted by the British group already referred to) should receive most careful consideration from those who feel the supreme importance of the subject.

April 1917.

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INTRODUCTION

THE hope and intention that one outcome of the present war shall be an international agreement to substitute for war methods of peaceable agreement has been expressed by prominent statesmen of the Entente and emphatically endorsed by President Wilson, who has offered the co-operation of the United States.¹ The Allied Governments have now definitely included some such plan among the objects for which they are contending. They say in their note to President Wilson² that they "declare their wholehearted agreement with the proposal to create a League of Nations which shall assure peace and justice throughout the world. They recognize all the benefits which will accrue to the cause of humanity and civilization from the institution of international arrangements designed to prevent violent conflicts between the nations, and so framed as to provide the sanctions necessary to their enforcement, lest an illusory security should serve merely to facilitate fresh acts of aggression."

Object of the
proposals.

These aspirations, we believe, are shared by the peoples of all the States at war, and the support they have thus publicly received from

¹ These speeches will be found in the Appendix.

² January, 1917.

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governments should bring them at once into the region of practical politics. But to embody them in an acceptable form will be no easy task.

It is clear that the reforms to be introduced must be drastic if they are to be effective. On the other hand, there must be continuity; for proposals involving too violent a breach with the established order are not likely to be seriously considered. What is attempted here is to put forward a scheme which, while it involves a real and radical advance upon the present organization of international relations, yet does not break so violently with the course of historical development as to be fairly described as Utopian.

With the deep underlying causes of war we do not here concern ourselves. Those causes, mainly connected, in the modern world, with false ideas and wrong feelings about the moral, political, and economic relations of States, of classes, and of individuals, can only be gradually dissipated by the spread of intelligence, knowledge, and goodwill. And until they are dissipated there can be no complete security for peace. Meantime, however, we think it possible, by such an arrangement as we suggest, to diminish very considerably the risk of war, and so to give time for the development of that educative process upon which we mainly rely.

Proposals for the reform of international relations vary in range and extent from complete schemes for a World-State, to im-

provements in the conduct of diplomacy. The project of a World-State, or even of a European Federation, we do not here advocate. It is perhaps a possibility of the distant future, and it well deserves the discussion it has provoked. But we do not believe it to be practicable at any near date; and there are many who do not think it desirable. Our aim is a more modest one. We desire to give definite shape to that idea of an association or union of independent and sovereign States which is being advocated by many leading men both in Europe and in America, and which, we believe, could be realized immediately at the conclusion of the war.

We propose, then, that existing States, retaining their sovereignty, should enter into a treaty arrangement with a view to the preservation of peace. What we contemplate is not a league of some States against others, but a union of as many as possible in the common interest of all.

Union of States.

The question then immediately arises, what States shall be admitted to the Union? It might be urged, with a good deal of force, that all the States represented at the First or Second Hague Conference shall be admitted. But the admission, in the first instance, of so large a number of States (44) of which some (like those of Central and South America) are not intimately connected with European politics, might seriously hamper the earlier stages of the arrangement. On the other hand, any limitation must be arbitrary. The

What States to be admitted.

suggestion in Clause 1 of the present draft is for the inclusion, as of right, of the Great Powers, and of any other European State that may wish to adhere. But this particular selection of States is not of the essence of the scheme. What is important is, that the membership should not be so narrow and exclusive that the Union shall appear to be a mere alliance directed against other States. For this reason it seems essential that at least all the Great Powers should be admissible as of right, whether or no they all choose to come in at the beginning. And there are others of the lesser European States, such as Holland, Belgium, the Scandinavian countries and Switzerland, which should obviously be included, as well as some of the chief South American States. Later on, if the arrangement were found to work well in practice, it might be thrown open to all the States of the world.

The terms of the treaty.

In formulating the conditions of the Union, we have taken as our starting-point the series of treaties recently concluded between the United States of America and a number of other States. The essence of these treaties is that the contracting parties agree not to have recourse to forcible measures until the matter in dispute between them has been submitted to a permanent Commission of Inquiry. Thus, under the treaty ratified in 1914 between the United Kingdom and the United States, the parties agree "that all disputes between them, of every nature whatsoever, other than disputes the settlement of which is provided for and in

fact achieved under existing agreements between the High Contracting Parties,¹ shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a Permanent International Commission, to be constituted in the manner prescribed in the next succeeding article ; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted."

What we propose is, briefly, to generalize an arrangement of this kind, imposing a moratorium before recourse shall be had to war ; and to add sanctions to ensure the fulfilment of the treaty. We build thus upon existing facts and tendencies, and may fairly claim to be advocating not a revolutionary change, but an orderly development.

¹ The disputes excepted by these words are of the kind called by us "justiciable." The principal treaty dealing with them is that of April 14, 1908, which provides that—

"Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent Court of Arbitration established at The Hague by the Convention of July 29, 1899, provided nevertheless that they do not affect the vital interests, the independence, or the honour of the two contracting States, and do not concern the interests of third parties."

There is also a treaty in force (of January 11, 1909) which provides for the reference of disputes arising between the United States and the Dominion of Canada to a Permanent Commission for examination and report. The Commission may also offer conclusions and recommendations. And there is also a treaty (of January 27, 1909) providing for the reference to arbitration of disputes about the North Atlantic Fisheries.

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The members, then, of our proposed Union would bind themselves by treaty :—

(1) To refer all disputes that might arise between them, if diplomatic methods of adjustment had failed, either to an arbitral tribunal for judicial decision, or to a council of conciliation for investigation and report (Clauses 2 and 9).

(2) Not to declare war or begin hostilities or hostile preparations until the tribunal has decided or the council has reported (Clause 17).

(3) To take concerted action, economic and forcible, against any signatory Power that should act in violation of the preceding condition (Clause 19).

(4) To take similar action against any non-signatory Power that should declare war or begin hostilities or hostile preparations against a signatory Power, without first submitting the dispute to peaceable settlement by the method indicated in (1) (Clause 19).

The sanction of
the treaty.

Coercive action by the members of the Union would be a treaty obligation only in the case where a State had resorted to force before submitting the dispute to peaceable settlement. For the purposes of such action it is not proposed to abolish national armaments and substitute a force under international control. But it might prove desirable and practicable that the members of the Union should create, concurrently with the setting up

of the Council of Conciliation, an international executive authority with power to call into action the forces of the League, when the occasion should arise, and to direct operations in its name.

Military operations, however, are not the only form of coercion possible, and the agreement contemplates also economic pressure. In some cases this might be as effective as armed force and as easy of application. A whole series of such measures can be conceived, differing in their severity and in their applicability to different cases: e.g. an embargo on the shipping of the recalcitrant State; a prohibition of loans to it; cutting it off from railway, postal, telegraphic, and telephonic communication; prohibition of exports to or imports from it, supported if necessary by what international lawyers call a "pacific blockade." Applied against a small Power, such measures as these would be likely, by themselves, to be effective. Applied to a Great Power, they might be met by armed force, which would have to be repelled by force. But the possibility of a concerted use of the boycott should be seriously considered, when the case arises, by the signatories to such a Union as we are suggesting.

Passing from this question of the sanction to the machinery for peaceable settlement, our proposal is that disputes between the treaty Powers should be referred either to arbitration or to conciliation. We distinguish, therefore, two classes of disputes and two processes of settlement.

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Justiciable disputes.

(1) The first class of disputes we call "justiciable." They are such as are capable of settlement by judicial determination ; for example, the interpretation of a treaty, or any question either of international law or of fact, where the fact in dispute is one which, if proved, would constitute a breach of international duty (Clause 4). In case of disagreement as to whether a dispute is justiciable or not, the arbitral tribunal is to decide (Clause 5).

All disputes of a justiciable character, including those that involve honour and vital interests, are to be referred to the Hague Court, as it now is, or may in future be constituted, or to some other arbitral court.

In framing treaties of arbitration it has been usual for States to exclude from the scope of the treaty cases involving "honour" or "vital interests." We have not excluded them in our draft, partly because we propose to determine by this judicial procedure those cases only which are properly susceptible of such procedure, leaving to conciliation cases to which legal principles and methods cannot be applied, and which will comprise at any rate the great bulk of those involving "vital interests" or "honour" ; partly because it seems essential to an international order that, where law is recognized, it should be applied, whatever the consequences. A State, for instance, ought to be compelled to submit to judicial process

any dispute about territorial boundaries involving treaty rights, however important it may consider the possession of the piece of territory affected to be to its "vital interests." As to "honour," in any reputable sense of that term, it can never be to a nation's honour to repudiate a legal obligation.

(2) The other class of disputes, and, of course, the class most likely to lead to war, comprises those which are not justiciable; such as, for instance, those which arise out of the general economic and political rivalry of States, or, it may be, from the discontent of nationalities within a State, where such discontent commands the sympathy of a kindred people. For the settlement of such disputes a judicial tribunal is not the best authority. It is proposed, therefore, to institute for this purpose a new international body which we call the Council of Conciliation. The functions of the Council would be similar to those hitherto performed by the diplomatic representatives of the Powers when they meet in concert to discuss difficult questions; but it is intended that the composition of the Council should enable its members to take a more impartial, comprehensive, and international view than diplomatists have hitherto shown themselves inclined to take, and to suggest a radical settlement rather than a mere temporary compro-

Non-justiciable
disputes.

mise, likely to be broken as soon as some Power is ready to risk war.

The Council of
Conciliation.

The difficulty, of course, will be to secure the appointment of highly qualified impartial men. Each Power must appoint its own representative, or representatives, and determine the method of appointment. But it is prescribed in our draft (Clause 7) that the appointments shall be made for a fixed term of years, the Council being thus always complete and in being.¹ The object of this provision is, that the members shall not be exposed to the suspicion of having been appointed for the purposes of a particular dispute, and because of their supposed views upon it. Nothing further on this subject is laid down in the draft. But it would seem desirable, if not essential, that the members should not act under constant instructions from their governments, but should deliberate and vote freely according to their best judgment, in the interests of the whole society of nations. On the other hand, it is to be presumed that the members will be, and remain, sufficiently in touch with public opinion in their own country not to be likely to assent to proposals violently in conflict with that opinion; and also will be of sufficient capacity to have influence with the Council, and of sufficient weight in their own country to ensure a fair consideration there of any

¹ A non-signatory Power sending a representative under Clause 8 would, of course, appoint its representative *ad hoc* only.

proposals with which they may associate themselves. The fulfilment of these conditions can only be ensured by the public opinion of the appointing States. And with a view to making that opinion effective it is to be presumed that in every country possessing representative institutions the names of the members to be appointed will be submitted to the approval of the Legislature.

The objection may be taken that governments will never consent to allow decisions that may vitally affect their nation to be agreed to by representatives who have not been subject to their constant instructions. But this objection misapprehends the purpose and powers of the proposed Council. It is a Council of Inquiry and Conciliation only. It would have no executive power, and its decisions would not bind the governments. It would represent, and express to the public opinion of the nations, the views of an international body as to that solution of an urgent problem that is most in accordance with equity and the general interest. And if it is to do this honestly and effectively, it is essential that its members should not take a narrowly national view, nor be mere agents of possibly reactionary governments.

The question arises whether the Powers should be equally represented on the Council. This does not seem to be a point of fundamental importance, since the functions of the Council are conciliatory only, and not executive. But since it is likely that the greater

Powers would have a larger number of men qualified to be members, they might be given a greater representation : say three to each of the Great Powers, and one at least to each of the rest.

The Council, as has been explained, will mediate between the disputants and endeavour to arrange a settlement which shall not be a mere compromise but shall rest upon intelligible and accepted principles and have in it some guarantee of permanence. Sometimes it may be able to arrange such a settlement privately with the parties. But in every case where it fails to do this it should publish a report or reports dealing with the whole situation and setting forth its recommendations and the grounds on which they are based (Clause 11). These reports and recommendations would then form the subject of debates in national Legislative Assemblies, and of discussion at public meetings and in the press. And sufficient time being allowed for this (Clause 17) it is not unreasonable to hope that the best public opinion of all countries would support the Council in pressing for an amicable solution on the lines suggested, and that the disputants would yield to that pressure. Should this hope not be fulfilled, then it must be clearly understood that no Power would be under treaty obligation either to accept the recommendations of the Council or to put pressure upon a Power refusing to accept them. The States would retain on these points all their liberty of action. All that the treaty would prescribe

is, that if such a situation arises, the Powers should meet in conference to consider whether or not it is practicable or desirable for them to take collective action (Clause 20). This conference would be composed of the diplomatic representatives of the Powers, and would proceed in the ordinary way of such conferences, all the governments being ultimately free to take what action they think expedient or right.

It is possible then, that from such a situation war might, in the last resort, arise. It is not claimed that the Union would make war impossible. But it is believed that the enforced period of delay, the consideration by an impartial Council, and the publicity given to its recommendations would be very likely to prevent war by rallying the public opinion of the world in favour of peace; and that, in the worst case, the area of war would be likely to be restricted; for a Power making war in defiance of the recommendations of the Council could not rely on support from the other signatory Powers.

It will be observed that our plan implies and presupposes such a measure of popular control over international relations as is involved in the publication of the results of impartial inquiry, and their discussion in representative assemblies and in the press. Without pretending that public opinion is always and everywhere pacific, we believe that, when it is properly instructed, and when time is given for passions to cool, it is more likely to favour peace than do the secret operations of diplomacy.

Popular control.

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The distinction between the proposed Union and the Concert of Europe.

It may be worth while to emphasize the difference between the Union we are proposing and what has been known as the Concert of Europe. In the first place, the Union would not be confined to European Powers. In the second place, it would bind the signatory Powers, under the sanction, in the last resort, of force, to submit their disputes to peaceable settlement, before having recourse to military measures. In the third place, it would create for the discussion of the most difficult and contentious questions an impartial and permanent Council, which would have some advantages over the present machinery of the Concert. We attach much importance to the creation of such a permanent international organ, and believe that its ultimate and indirect effects may be even more important than its operations in particular cases.

Such, in outline, is the scheme proposed. A few words may now be said as to some of the more obvious and serious objections that may be taken against it.

Hostile preparations.

1. The essence of the proposal is to impose a period of delay before recourse can be had to hostilities, the period to be devoted to attempts at peaceable settlement. But what exactly is to be accounted "recourse to hostilities"? The phrase in our draft is "declare war or begin hostilities or hostile preparations against a signatory Power" (Clauses 17 and 19). We are well aware that the term "hostile preparations" is a vague one, and in some cases

would be difficult to interpret. Questions may arise as to whether a mobilization is directed against a particular Power, and as to what, short of mobilization, is a hostile preparation against a particular Power. The circumstances which would constitute a hostile preparation do not seem capable of exact definition, and we have been urged, for this reason, to omit the term from our scheme. But it is obvious that a strategical disposition of forces on a particular frontier might give, in certain cases, the Power having recourse to it an advantage, as great as it could attain by the actual invasion of the territory of a neighbouring State. We feel, therefore, that we must include the case of hostile preparations against a signatory Power as one of the events against which some sanction must be provided, even though a precise definition of the term cannot be formulated.

Limitation of
armaments.

If an agreement limiting armaments were arrived at, a breach of the agreement would, *prima facie*, be regarded as a hostile preparation. For this reason, apart from any other, such an agreement would appear to be highly desirable, and the draft gives power to the Council to make and submit to the Powers suggestions in that sense (Clause 13). We think that the comparative security which the Union would guarantee to its members, as well as the economic exhaustion following the present war, and the determination of the peoples to reduce this tremendous burden,

should make it possible for such an agreement to be entered into, in spite of the well-known difficulties it must encounter.

The concerting
of coercive
measures.

2. In case any Power declares war or begins hostilities or hostile preparations against a signatory Power, without first referring the dispute to peaceable settlement and awaiting the prescribed period, the signatory Powers are under obligation to apply coercive measures, both economic and forcible, against the Power so acting (Clause 19). But they would have to agree upon what those measures shall be, and by whom and how they are to be carried out. It may be urged, therefore, that difficulties are likely to arise; since either the Powers must be unanimous, in which case action may be prevented by the refusal of a single Power, or a majority must decide, in which case Powers that are liable to less risk or responsibility may outvote Powers that are liable to more. The difficulty is real, but it has not been thought necessary to complicate the draft by entering upon the details of a possible solution. It is the kind of difficulty the Powers must settle for themselves, either by common sense round their council-table, or by forming some kind of constitution involving a graduation of voting power. And since they would be under treaty obligation to take immediate measures, the necessities of the case would compel a prompt solution.

The scheme will
not stereotype
the *status quo*.

3. A more fundamental objection aims at the whole scope of our scheme. "If you are successful," it may be said, "what you will really do is to stereotype the *status quo*, as it may be

established after this war. But no status can be permanently satisfactory in a changing world. What is required is a machinery for altering international relations as circumstances change, but for altering them in a peaceable way." To this we reply, first, that our scheme, though it delays war, does not attempt to prohibit it. It leaves war as a last escape from an impossible situation. Secondly, that the recommendations of the proposed Council of Conciliation will serve as suggestions to the Powers for a peaceable alteration of the *status quo*. Thirdly, that the draft gives the Council power, even when there is not a dispute, but the possibility of one is foreseen, to make suggestions for dealing with the whole situation out of which such disputes may arise (Clause 12); and, generally, to make proposals which may lead to the avoidance of war (Clause 13). These are very wide powers; and if they were used, the Council might become the originator of new international arrangements and rules.

The development of international law, both in scope and in precision, is one of the most essential needs of the future; and the question by what body it may best be developed is a very important one. The most obvious body is the Hague Conference. And it is to be hoped and expected that after the war the Conference will be given a permanent organization, will meet at regular intervals, and will address itself to the codification and development of international law. On the other

Development of
international
law.

hand, if a Union such as we suggest should be formed and should not include all the States represented at The Hague, it would seem possible and desirable that the States participating should adopt rules of law binding on their members ; and the American League to Enforce Peace makes this one of the obligatory functions of the proposed league. Such rules of law might afterwards be endorsed by the Hague Conference. We are not at all opposed in principle to this procedure, though we have not thought it necessary to embody it in our proposals.

In any development of an International Organ with legislative powers, questions must arise, at some stage, as to equality or inequality of voting power, and the binding of a minority by a majority. We do not here discuss or prejudge these questions ; for, while recognizing the great value of a Legislative Body to complete international organization, we doubt whether the time is ripe for constituting such a Body. The present scheme is put forward, not as ideal, but as something which we believe to be immediately practicable, and which would constitute a great advance upon the present international anarchy. The very recognition of its defects in practice may and should lead to its development and completion. Meantime, we submit it to candid, and, we hope, friendly criticism.

NOTE.—Since this draft was first drawn up and circulated privately for discussion,

two societies have been formed to advocate plans which are, in their main features, the same. One is the League of Nations Society in England, the other the American League to Enforce Peace, to which we have already referred. The programmes of these Societies are appended to our proposals. It will be observed that the principal difference between the proposals of this draft and those of the League of Nations Society is that the latter propose to apply a sanction to the awards of the court (though not to the recommendations of the council), and this draft does not. And that the principal difference between the proposals of this draft and those of the American League to Enforce Peace is that the latter do not propose that the treaty States should take action against military aggression on a member of the League by a State that is not a party to the treaty, and this draft does so propose. This difference seems to be due to the geographical situation and political traditions of the United States.

In our judgment a scheme on the lines here put forward would be the most likely to command general assent at the present stage of international development. But we have no desire to dogmatize on these difficult questions, and the differences between the plans here set forth are far less important than their fundamental agreement as to the way to go to work.

PROJECT FOR A TREATY

1. The parties to the treaty arrangement contemplated in the succeeding clauses to be the Great Powers (i.e. the Great Powers of Europe, the United States, and Japan), or so many of them as may desire to enter into it; such of the other European Powers as are willing to become parties to it; and any other Powers which may hereafter be admitted by the Powers aforesaid.

JUSTICIABLE DISPUTES.

2. The signatory Powers to agree to refer to the existing Permanent Court of Arbitration at The Hague, or to the Court of Arbitral Justice proposed at the second Hague Conference, if and when such Court shall be established, or to some other arbitral tribunal, all disputes between them (including those affecting honour and vital interests), which are of a justiciable character and which the Powers concerned have failed to settle by diplomatic methods.

Justiciable
disputes to be
referred to
arbitration.

3. The signatory Powers so referring to arbitration to agree to accept, and give effect to, the award of the tribunal.

Awards of the
arbitral tribunal
to be accepted.

4. "Disputes of a justiciable character" to be defined as "disputes as to the interpretation

Definition of
justiciable
disputes.

of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the nature and extent of the reparation to be made for any such breach."

Court to decide whether a dispute is justiciable.

5. Any question which may arise as to whether a dispute is of a justiciable character, to be referred for decision to the Court of Arbitral Justice when constituted; or until it is constituted, to the existing Permanent Court of Arbitration at The Hague.

PERMANENT COUNCIL OF CONCILIATION.

Constitution and objects of Council.

6. With a view to the prevention and settlement of disputes between the signatory Powers which are not of a justiciable character, a permanent Council of Conciliation to be constituted.

Appointment and term of office of members.

7. The members of the Council to be appointed by the several signatory Powers for a fixed term of years, and vacancies to be filled up by the appointing Powers, so that the Council shall always be complete and in being.¹

Temporary representation of non-signatory Powers.

8. In order to provide for the case of disputes between a signatory Power and an outside Power which is willing to submit its case to the Council, provision to be made for the temporary representation of the latter.

¹ For some observations on the method of appointment, the number and character of the members to be appointed by each Power, and the method of voting, see Introduction, p. 20.

9. The signatory Powers to agree that every party to a dispute, not of a justiciable character, the existence of which might ultimately endanger friendly relations with another signatory Power or Powers, and which has not been settled by diplomatic methods, will submit its case to the Council with a view to conciliation.

Powers to submit non-justiciable cases to the Council.

10. Where, in the opinion of the Council, any dispute exists between any of the signatory Powers which appears likely to endanger their good relations with each other, the Council to consider the dispute and to invite each Power concerned to submit its case with a view to conciliation.

Council to consider disputes and invite submission of cases.

11. Unless, through the good offices of the Council or otherwise, the dispute shall have previously been settled between the parties, the Council to make and publish, with regard to every dispute considered by it, a report or reports, containing recommendations for the amicable settlement of the dispute.

Council to report on disputes considered.

12. When it appears to the Council that, from any cause within its knowledge, the good relations between any of the signatory Powers are likely to be endangered, the Council to be at liberty to make suggestions to them with a view to conciliation, whether or not any dispute has actually arisen, and, if it considers it expedient to do so, to publish such suggestions.

General power to Council to make suggestions with a view to conciliation.

13. The Council to be at liberty to make and submit for the consideration of the signatory Powers, suggestions as to the limitation

Council to have power to make suggestions for the limitation of armaments.

34 THE PREVENTION OF FUTURE WARS

or reduction of armaments, or any other suggestions which in its opinion would lead to the avoidance of war or the diminution of its evils.

Signatory Powers to furnish Council with all necessary facilities for discharge of its functions. Deliberations of Council.

14. The signatory Powers to agree to furnish the Council with all the means and facilities required for the due discharge of its functions.

15. The Council to deliberate in public or in private, as it thinks fit.

Committees of the Council.

16. The Council to have power to appoint committees, which may or may not be composed exclusively of its own members, to report to it on any matter within the scope of its functions.¹

MORATORIUM FOR HOSTILITIES.

Signatory Powers to abstain from hostile action during period prescribed.

17. Every signatory Power to agree not to declare war or begin hostilities or hostile preparations against any other signatory Power (a) before the matter in dispute shall have been submitted to an arbitral tribunal, or to the Council ; or (b) within a period of twelve months after such submission ; or (c), if the award of the arbitral tribunal or the report of the Council, as the case may be, has been published within that time, then not to declare war or begin hostilities or hostile preparations within a period of six months after the publication of such award or report.²

¹ It will be observed that it is not proposed to confer any executive power on the Council.

² If an agreement for limitation of armaments had been arrived at, any departure from the agreement would presumably be taken to be a "hostile preparation," until the contrary were shown. (See Introduction, p. 25.)

LIMITATION OF EFFECT OF ALLIANCES.

18. The signatory Powers to agree that no signatory Power commencing hostilities against another, without first complying with the provisions of the preceding clauses, shall be entitled, by virtue of any now existing or future treaty of alliance or other engagement, to the military or other material support of any other signatory Power in such hostilities.

*Limitation on
scope of
alliances.*

ENFORCEMENT OF THE PRECEDING
PROVISIONS.

19. Every signatory Power to undertake that in case any Power, whether or not a signatory Power, declares war or begins hostilities or hostile preparations against a signatory Power, (a) without first having submitted its case to an arbitral tribunal, or to the Council of Conciliation, or (b) before the expiration of the hereinbefore prescribed periods of delay, it will forthwith, in conjunction with the other signatory Powers, take such concerted measures, economic and forcible, against the Power so acting, as, in their judgment, are most effective and appropriate to the circumstances of the case.

*Enforcement of
provisions for
reference of
disputes to
arbitration or
conciliation.*

20. The signatory Powers to undertake that if any Power shall fail to accept and give effect to the recommendations contained in any report of the Council, or in the award of the arbitral tribunal, they will, at a Conference to be forthwith summoned for the purpose, consider, in concert, the situation

*Measures to give
effect to reports
of the Council.*

which has arisen by reason of such failure, and what collective action, if any, it is practicable to take in order to make such recommendations operative.¹

¹ The measures contemplated in paragraphs 19, 20 would, of course, be taken by the governments of the signatory Powers acting in concert, and not by the Council of Conciliation. (See Introduction, pp. 21 and 23.)

LEAGUE OF NATIONS SOCIETY

Hon. Sec. : MRS. A. W. CLAREMONT.

Office : 1 Central Buildings, Tothill Street, Westminster, S.W.

PLATFORM.

1. That a treaty shall be made as soon as possible, whereby as many States as are willing to do so shall form a League binding themselves to use peaceful methods for dealing with all disputes arising among them.

2. That such methods shall be as follows :—

(a) All disputes arising out of questions of International Law or the Interpretation of Treaties shall be referred to the Hague Court of Arbitration, or some other judicial tribunal, whose decisions shall be final, and shall be carried into effect by the parties concerned.

(b) All other disputes shall be referred to, and investigated and reported upon by, a Council of Enquiry and Conciliation : the Council to be representative of the States which form the League.

3. That the States which are members of the League shall unite in any action necessary for ensuring that every member shall abide by the terms of the treaty.

4. That the States which are members of the League shall make provision for Mutual Defence, diplomatic,

38 THE PREVENTION OF FUTURE WARS

economic, or military, in the event of any of them being attacked by a State, not a member of the League, which refuses to submit the case to an appropriate Tribunal or Council.

5. That any civilized State desiring to join the League shall be admitted to membership.

LEAGUE TO ENFORCE PEACE (AMERICAN BRANCH)

President: THE HON. WILLIAM HOWARD TAFT.

Secretary:

WM. H. SHORT,
70 Fifth Avenue, New York City.

PLATFORM.

IT is desirable for the United States to join in a league of nations binding the signatories to the following:—

1. All justiciable questions arising between the signatory Powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

2. All other questions arising between the signatories and not settled by negotiation shall be submitted to a Council of Conciliation for hearing, consideration, and recommendation.

3. The signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

4. Conferences between the signatory Powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article 1.

APPENDIX

QUOTATIONS FROM LEADING STATESMEN ON THE
SUBJECT OF INTERNATIONAL RELATIONSHIPS
AFTER THE WAR

MR. ASQUITH

I should like, if I might for a moment, beyond this enquiry into causes and motives, to ask your attention and that of my fellow-countrymen to the end which in this war we ought to keep in view. Forty-four years ago, at the time of the war of 1870, Mr. Gladstone used these words. He said: "The greatest triumph of our time will be the enthronement of the idea of public right as the governing idea of European politics." Nearly fifty years have passed. Little progress, it seems, has yet been made towards that great and beneficent change, but it seems to me to be now at this moment as good a definition as we can have of our European policy. The idea of public right, what does it mean when translated into concrete terms? It means first and foremost the clearing of the ground by the definite repudiation of militarism as the governing factor in the relations of States, and of the future moulding of the European world. It means next that room must be found and kept for the independent existence and the free development of the smaller nationalities—each with a corporate consciousness of its own. Belgium, Holland, and Switzerland and the Scandinavian countries, Greece and the Balkan States, they must be recognized as having exactly as good a title as their more powerful neighbours—more powerful in strength as in wealth—exactly as good a title to a place in the sun.

And it means, finally, or it ought to mean, perhaps by a slow and gradual process, the substitution for force, for the clash of competing ambitions, for groupings and alliances and a precarious equipoise, the substitution for all these things of a real European partnership, based on the recognition of equal right and established and enforced by a common will. A year ago that would have sounded like a Utopian idea. It is probably one that may not or

will not be realized either to-day or to-morrow. If and when this war is decided in favour of the Allies, it will at once come within the range, and before long within the grasp, of European statesmanship.

September 25, 1914.

VISCOUNT GREY OF FALLODEN

What we and our Allies are fighting for is a free Europe. We want a Europe free not only from the domination of one nationality by another, but from hectoring diplomacy and the peril of war, free from the constant rattling of the sword in the scabbard, from perpetual talk of shining armour and war lords. In fact, we feel we are fighting for equal rights, for law, justice, peace; for civilization throughout the world as against brute force, which knows no restraint and no mercy. . . . We want a settled peace in Europe and throughout the world which will be a guarantee against aggressive war.

Germany's philosophy is that a settled peace spells disintegration, degeneracy, the sacrifice of the heroic qualities in human character. Such a philosophy, if it is to survive as a practical force, means eternal apprehension and unrest. It means ever-increasing armaments. It means arresting the development of mankind along the lines of culture and humanity. We are fighting this idea. We do not believe in war as the preferable method of settling disputes between nations. When nations cannot see eye to eye, when they quarrel, when there is a threat of war, we believe the controversy can be settled by methods other than those of war. Such other methods are always successful when there is goodwill, and no aggressive spirit.

* * * * *

Long before this war I hoped for a league of nations that would be united, quick, and instant to prevent, and if need be to punish, violation of international treaties, of public right, of national independence, and would say to nations that come forward with grievances and claims, "Put them before an impartial tribunal. If you can win at this bar, you will get what you want; if you cannot, you shall not have what you want, and if you attempt

to start a war we all shall adjudge you the common enemy of humanity, and treat you accordingly." As footpads, safe-breakers, burglars, and incendiaries are suppressed in nations, so those who would commit these crimes, and incalculably more than these crimes, will be suppressed among nations.

* * * * *

Unless mankind learns from this war to avoid war the struggle will have been in vain. Over humanity will loom the menace of destruction. The Germans have thrown the door wide open to every form of attack upon human life. . . . They have come upon blameless nations with invasion, incendiarism, and confiscation: they have come with poisonous gases and liquid fire. All their scientific genius has been dedicated to wiping out human life. They have forced these things into general use in war. If the world cannot organize against war, if war must go on, then the nations can protect themselves, henceforth, only by using whatever destructive agencies they can invent till the resources and inventions of science end by destroying the humanity that they were meant to serve.

May 15, 1916.

MR. BALFOUR

On May 18, 1916, Mr. Balfour, in discussing the problem which he said lay behind all the changing aspects of this tremendous war, namely, how, when it is brought to an end, civilized mankind shall so reorganize itself that similar catastrophes shall not be permitted to recur, stated that if in our time any substantial effort is to be made towards ensuring the permanent triumph of the Anglo-Saxon ideal the great communities which accept it must work together. But in working together, they must bear in mind that law is not enough. Behind law there must be power. It is good that arbitration should be encouraged. It is good that the accepted practices of warfare should become ever more humane. It is good that before peace is broken the would-be belligerents should be compelled to discuss their differences in some congress of the nations. It is good that the security of the smaller States should be fenced round with peculiar care. But all the precautions are mere scraps of paper unless they can be enforced. What is needed now, and will be so long as militarism is unconquered, is the machinery for enforcing them, and the contrivance of such a machinery will tax to its utmost the statesmanship of the world.

May 18, 1916.

MR. LLOYD GEORGE

The best security for peace will be that nations will band themselves together to punish the first peacebreaker. In the armouries of Europe every weapon will be a sword of justice. In the government of men every army will be the constabulary of peace.

January 11, 1917.

PRESIDENT WILSON

We are participants, whether we would or not, in the life of the world. The interests of all nations are our own also. We are partners with the rest. What affects mankind is inevitably our affair as well as the affair of the nations of Europe and of Asia.

One observation on the causes of the present war we are at liberty to make, and to make it may throw some light forward upon the future, as well as backward upon the past. It is plain that this war could have come only as it did, suddenly and out of secret counsels, without warning to the world, without discussion, without any of the deliberate movements of counsel with which it would seem natural to approach so stupendous a contest.

It is probable that if it had been foreseen just what would happen, just what alliances would be formed, just what forces arrayed against one another, those who brought the great contest on would have been glad to substitute conference for force.

If we ourselves had been afforded some opportunity to apprise the belligerents of the attitude which it would be our duty to take, of the policies and practices against which we would feel bound to use all our moral and economic strength, and in certain circumstances even our physical strength also, our own contribution to the counsel which might have averted the struggle would have been considered worth weighing and regarding.

And the lesson which the shock of being taken by surprise in a matter so deeply vital to all the nations of the world has made poignantly clear is that the peace of the world must henceforth depend upon a new and more wholesome diplomacy.

Only when the great nations of the world have reached some sort of agreement as to what they hold to be fundamental to their common interest, and as to some feasible method of acting in concert when any nation or group of nations seeks to disturb those fundamental things, can we feel that civilization is at last

in a way of justifying its existence and claiming to be finally established.

It is clear that nations must in the future be governed by the same high code of honour that we demand of individuals.

Repeated utterances of the leading statesmen of most of the great nations now engaged in war have made it plain that their thought has come to this—that the principle of public right must henceforth take precedence over the individual interests of particular nations, and that the nations of the world must in some way band themselves together to see that that right prevails as against any sort of selfish aggression; that henceforth alliance must not be set up against alliance, understanding against understanding, but that there must be a common agreement for a common object, and that at the heart of that common object must lie the inviolable rights of peoples and of mankind.

The nations of the world have become each other's neighbours. It is to their interest that they should understand each other. In order that they may understand each other, it is imperative that they should agree to co-operate in a common cause, and that they should so act that the guiding principle of that common cause shall be even-handed and impartial justice. This is undoubtedly the thought of America. This is what we ourselves will say when there comes proper occasion to say it. In the dealings of nations with one another arbitrary force must be rejected, and we must move forward to the thought of the modern world, the thought of which peace is the very atmosphere. That thought constitutes a chief part of the passionate conviction of America.

We believe these fundamental things: First, that every people has a right to choose the sovereignty under which they shall live. Second, that the small States of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon. And third, that the world has a right to be free from every disturbance of its peace that has its origin in aggression and disregard of the rights of peoples and nations.

So sincerely do we believe in these things that I am sure that I speak the mind and wish of the people of America when I say that the United States is willing to become a partner in any feasible association of nations formed in order to realize these objects and make them secure against violation.

There is nothing that the United States wants for itself that any

other nation has. We are willing, on the contrary, to limit ourselves along with them to a prescribed course of duty and respect for the rights of others, which will check any selfish passion of our own as it will check any aggressive impulse of theirs.

If it should ever be our privilege to suggest or initiate a movement for peace among the nations now at war, I am sure that the people of the United States would wish their Government to move along the line of a universal association of the nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world, and to prevent any war begun either contrary to treaty covenants or without warning and full submission of the causes to the opinion of the world—a virtual guarantee of territorial integrity and political independence.

I feel that the world is even now upon the eve of a great consummation, when some common force will be brought into existence which shall safeguard right as the first and most fundamental interest of all peoples and all governments, when coercion shall be summoned not to the service of political ambition or selfish hostility, but to the service of a common order, a common justice, and a common peace.

God grant that the dawn of that day of frank dealing and of settled peace, concord, and co-operation may be near at hand!

May 28, 1916.

There must be just and settled peace, and we here in America must contribute the full force of our enthusiasm and of our authority as a nation to the organization of that peace upon world-wide foundations that cannot easily be shaken. No nation can any longer remain neutral as against any wilful disturbance of the peace of the world. The effects of war can no longer be confined to the areas of battle. No nation stands wholly apart in interest when the life and interest of all nations are thrown into confusion and peril. If hopeful and generous intercourse is to be renewed, if the healing and helpful arts of life are indeed to be revived when peace comes again, a new atmosphere of justice and friendship must be generated by means the world has never tried before. The nations of the world must unite in joint guarantees that, whatever is done to disturb the whole world's life, must first be tested in the court of the whole world's opinion before it is attempted to secure this end.

September 2, 1916.

We want all the world to know that Americans are ready in years to come to lend our force, without stint, to the preservation of peace in the interests of mankind. The world is no longer divided into little circles of interest. The world no longer consists of neighbourhoods. The whole is linked together in a common life and interest such as humanity never saw before, and the starting of wars can never again be a private and individual matter for nations.

October 5, 1916.

MR. CHARLES EVANS HUGHES

(Republican Candidate for the Presidency of the United States, 1916)

If the conflict of national interests is not to be brought to the final test of force, there must be the development of international organization in order to provide international justice, and safeguard, so far as practicable, the peace of the world. . . . And behind this international organization, if it is to be effective, must be the co-operation of the nations to prevent resort to hostilities before the appropriate agencies of peaceful settlement have been utilized. If the peace of the world is to be maintained, it must be through the preventive power of a common purpose. . . . There is no national isolation in the world of the twentieth century. If at the close of the present war the nations are ready to undertake practicable measures in the common interest in order to secure international justice, we cannot fail to recognize our international duty.

July 31, 1916.

At the banquet of the American League to Enforce Peace, November 24, 1916, the following messages were received :

FROM VISCOUNT GREY OF FALLODEN.

I think public utterances must have already made it clear that I sincerely desire to see a league of nations formed and made effective to secure the future peace of the world after this war is over. I regard this as the best, if not the only, prospect of preserving treaties and of saving the world from aggressive wars in years to come. If there is any doubt about my sentiments in the matter, I hope this telegram in reply to your own will remove it.

FROM M. BRIAND

(then Prime Minister of the French Republic).

I have the honour to acknowledge the receipt of your communication, the contents of which I have noted with lively interest. In basing your effort on the fundamental principle of respect for the rights and wishes of the various peoples of the world, you are certain of being on common ground with the countries who, in the present conflict, are giving their blood and their resources, without counting the cost, to save the independence of the nations.

Please receive, Mr. Chairman, the assurances of my high consideration.

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